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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,266	07/14/2003	Jianming Dong	AUS919990812US2	7059
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER SHRESTHA, KIRAN K	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/619,266

Applicant(s)

DONG ET AL.

Examiner

Kiran K. Shrestha

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 20-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/2003 and 12/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the original filing of July 14, 2003. Claims 1, 20 and 27 are independent claims. Claims 8-19 are cancelled. Claims 1-7 and 20-32 are pending and have been considered below.

### **Information Disclosure Statement**

2. The information disclosure statement (IDS) submitted on 7/14/2003 and 12/29/2003 was filed after the mailing date of the application on 7/14/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 3, 6, 7, 20, 21, 22, 25, 26, 27, 28, 29, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Rucker et al. (US6195657B1).

**Claims 1, 20 and 27: Rucker** discloses in the provided screenshots a graphical user interface for use in a data processing system for facilitating data entry for cluster analysis, the graphical user interface comprising: a first area containing a plurality of lists of items (Fig. 3 and (Fig. 6: items 608, 616, 618)); a second area containing a plurality of participants [(Fig. 3: items 302, 304, 306) and (Fig. 6: items 606, 614)]; and means for corresponding a selected list to a respective one of the plurality of participants, wherein to the selected list is the one of the plurality of lists selected by the respective one of the plurality of participants (Fig. 3 and Column 5, Lines 20-64).

**Claims 2, 21 and 28: Rucker** discloses the graphical user interface as recited in claims 1, 20 and 27, further comprising: means for corresponding groupings of the plurality of lists to a respective one of the plurality of participants (Fig. 6A: items 620, 660).

**Claims 3, 22 and 29: Rucker** discloses the graphical user interface as recited in claims 1, 1 and 29 wherein the means for corresponding comprises an array of third areas in which the items within each list may be displayed in accordance with a selection made by a respective one of the plurality of participants (Fig. 3: items 316, 318, 320, 322, 324).

**Claims 6, 25 and 31: Rucker** discloses the graphical user interface as recited in claims 1, 20 and 27, wherein the first area allows entry, display of, and direct manipulation of the items in the plurality of lists (Fig. 3: items 302, 304, 306).

Art Unit: 2173

**Claims 7, 26 and 32: Rucker** discloses the graphical user interface as recited in claims 1, 20 and 27, wherein the means for corresponding comprises a third area having sections and entries into the sections of the third area are used to calculate similarity (Column 5, Lines 47-50) and distance matrices for cluster analysis purposes (Fig. 3: items 316, 318, 320, 322, 324 and Column 5, Lines 10-64)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rucker et al. (US6195657B1)**.

**Claims 4, 23 and 30: Rucker** discloses the graphical user interface as recited in claims 1, 20 and 27, Rucker does disclose the list of items [Fig. 3 and (Fig. 6: items 608, 616, 618)] displayed in the first area corresponds to a highlighted participant [(Fig. 3: items 302, 304, 306) and (Fig. 6: items 606, 614)] in the second area. However, Official Notice is taken that it is old and well known within the computing arts to include highlighted as

Art Unit: 2173

selected item. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include highlighted function in Rucker. One would have been motivated to do so in order to association between the first area [Fig. 3 and (Fig. 6: items 608, 616, 618)] and the second area [(Fig. 3: items 302, 304, 306) and (Fig. 6: items 606, 614)].

7. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rucker et al. (US6195657B1) in view of Hill et al. (US5970471).

**Claims 5 and 24: Rucker** discloses the graphical user interface as recited in claims 1 and 20, wherein the participants [(Fig. 3: items 302, 304, 306) and (Fig. 6: items 606, 614)]; Rucker however, does not explicitly teach that the participants are arranged in a scrollable list in the second area. However, Hill does disclose scrollable lists (Fig. 9: item 110, 112). Therefore, it would have obvious to one having ordinary skilled in the art at the time of the invention was made to include Hill's teaching of scrollable lists into that of Rucker's invention. One would have been motivated to this in order to scrollable lists (Hill: Fig. 9: item 110, 112) to be displayed on the display area.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kiran K. Shrestha whose telephone number is

Art Unit: 2173

(571) 270-1691. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (571) 272-4048. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-3800. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2691.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

K. S.  
KKS  
June 6, 2007

John W. Cabeca  
Supervisory Primary Examiner

  
TADESSE HAILU  
PRIMARY EXAMINER